

## OFFICE COPY

Prepared By \_\_\_\_\_

Approved By \_\_\_\_\_

An act to amend Section 14574 of the Public Resources Code, relating to beverage containers, and making an appropriation therefor, to take effect immediately, bill related to the budget.

DRAFT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 14574 of the Public Resources Code, as amended by Section 262 of Chapter 296 of the Statutes of 2011, is amended to read:

14574. (a) (1) A distributor of beverage containers shall pay to the department the redemption payment for every beverage container, other than a refillable beverage container, sold or transferred to a dealer, less 1.5 percent for the distributor's administrative costs.

(2) The payment made by a distributor shall be made not later than the last day of the ~~third~~ month following the sale. The distributor shall make the payment in the form and manner that the department prescribes.

(b) (1) Notwithstanding subdivision (a), if a distributor displays a pattern of operation in compliance with this division and the regulations adopted pursuant to this division, to the satisfaction of the department, the distributor may make a single annual payment of redemption payments, if the distributor's projected redemption payment for a calendar year totals less than seventy-five thousand dollars (\$75,000).

(2) An annual redemption payment made pursuant to this subdivision is due and payable on or before February 1 for every beverage container sold or transferred by the distributor to a dealer in the previous calendar year.

(3) A distributor shall notify the department of its intent to make an annual redemption payment pursuant to this subdivision on or before January 31 of the calendar year for which the payment will be due.

(c) This section shall become effective on July 1, 2012.

SEC. 2. The sum of one thousand dollars (\$1,000) is hereby appropriated from the California Beverage Container Recycling Fund to the Department of Resources Recycling and Recovery to implement the changes made by this act to Section 14574 of the Public Resources Code.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 4. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

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## LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, \_\_\_\_\_.

General Subject: Beverage containers: redemption payments.

(1) Existing law, the California Beverage Container Recycling and Litter Reduction Act (act), requires a distributor to pay a redemption payment no later than the 2nd month following the sale of a beverage container, between February 1, 2010, and June 30, 2012, and, after that date, to make that payment no later than the 3rd month following the sale. Existing law requires the payments to be made to the Department of Resources Recycling and Recovery, which is required to deposit those amounts in the California Beverage Container Recycling Fund. Under existing law, the money in the fund is continuously appropriated to the department. A violation of the act is a crime.

This bill would instead require, as of July 1, 2012, that the payment to be made no later than the last day of the month following the sale, thereby imposing a state-mandated local program by changing the definition of a crime.

(2) The bill would appropriate \$1,000 from the California Beverage Container Recycling Fund to the Department of Resources Recycling and Recovery to implement the changes made by the bill.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.